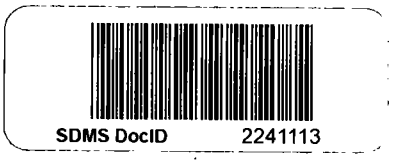
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 3 0 2000



SUBJECT: Approval of a Request for Additional Funding and Exemption from the 12 Month and $2 Million Statutory Limits for a Removal Action at the 12th Street Landfill/ Dump Site, Wilmington, Delaware

FROM: Abraham Ferdas, Director
Hazardous Waste Cleanup Division (3HS00)

TO: Timothy R. Fields, Assistant Administrator
Office of Solid Waste and Emergency Response (5101)

THRU: Stephen D. Luftig, Director
Office of Emergency and Remedial Response (5201G)

ATTN: Thomas R. Sheckells, Director
Region 3/8 Accelerated Response Center (5401G)

The attached "Request for Additional Funding and Exemption from the 12 Month and $2 Million Statutory Limits for a Removal Action" (Request for Additional Funds) pertains to the 12th Street Landfill/Dump Site, the location of an abandoned industrial dump, in Wilmington, Delaware. The OSC completed a Removal Assessment at the Site, finding elevated levels of hazardous substances (notably lead) that have migrated into and pose a threat to the Brandywine Creek adjacent to the Site, and initiated a Time-Critical Removal Action to mitigate threats posed to human health and the environment. Additional CERCLA funding and exemption from the 12 month and $2 million statutory limits are necessary to continue removal actions, which entail stabilization of elevated levels of hazardous substances identified over a larger-than-expected area, including an area occupied by a nearby business.

The OSC conducted a Site Assessment in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This Assessment confirmed the existence of a threat to the public health, welfare, or the environment due to the release of lead, arsenic, copper, chromium, toluene, zinc, and phenol, which are hazardous substances, and 2 - methylnapthalene from the Site. The concentration of lead detected in impacted Creek sediment is typically between 1000 and 20,000 mg/kg and exceeds levels which are protective of aquatic organisms. The sediment contamination results from the erosion of highly contaminated soil and debris (including buried drums) that now comprise the eroding Creek bank. Lead concentrations in the soil at the Site exceed 200,000 mg/kg in some locations and have been identified on the grounds of an operating business. The Creek bank is now deteriorating and releasing hazardous substances to the Brandywine Creek.

Because conditions at the 12th Street Landfill/Dump Site continue to meet the criteria for a Removal Action set forth in Section 300.415 of the NCP, 40 C.F.R. § 300.415, and meet the criteria for exemption from the 12 month and $2 million statutory limits set forth in Section 104(c)(1)(A) of CERCLA, 42 U.S.C. § 9604(c)(1(A), Region III has, pursuant to EPA Delegation 14-2-A, approved the use of CERCLA funds in the amount of $1,983,000, of which $1,743,000 are Extramural Costs, and exemption from the statutory limitations on removal actions set forth in CERCLA to continue to perform a Removal Action at the Site. The Removal Action will involve, among other things, removal and proper disposal of contaminated soils, sediments, and drums; stabilization of the eroding bank of the Brandywine Creek to prevent further release and migration of hazardous substances in to the Creek; and placement of a cover over remaining hazardous substances in the soil, including the area newly identified by the OSC during the Removal Action.

Attachment: Request for Additional Funding and Exemption from the 12 Month and $2 Million Statutory Limits for a Removal Action

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL

SEP 30 2000

SUBJECT: Request for Additional Funding and Exemption from the 12 Month and $2 Million Statutory Limits for a Removal Action at the 12th Street Landfill/Dump Site Wilmington, Delaware

FROM: Michael Towle, On-Scene Coordinator
Removal Response Section (3HS31)

TO: Abraham Ferdas, Director
Hazardous Sites Cleanup Division (3HS00)

I. PURPOSE

The purpose of this "Request for Additional Funding and Exemption from the 12 Month and $2 Million Statutory Limits for a Removal Action" (Request for Additional Funds) is to request additional funding and exemption from the 12 month and $2 million statutory limitations for removal actions in order to continue a Removal Action at the 12th Street Landfill/Dump Site (Site). The Site is located along the banks of the Brandywine Creek in Wilmington, Delaware, and has been the subject of a Time-Critical Removal Action since April 2000 (Memorandum from Michael Towle to Abraham Ferdas, re: Request for Removal Action at the 12th Street Landfill/Dump Site" (approved March 10, 2000)("Action Memorandum")). During the Removal Action, the OSC identified a significantly expanded area where industrial debris, drums, and hazardous substances were disposed. This finding has necessitated an expansion of removal activities to mitigate those immediate threats posed by the Site and identified in the Action Memorandum. The OSC has determined that the Site continues to meet the emergency exemption criteria in Section 104(c)(1)(A) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9604(c)(1)(A).[1]

A Removal Site Assessment conducted pursuant to Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415, revealed ongoing

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[1] Authority to approve continued removal action beyond the $2 million/12 month statutory limitation pursuant to the "Emergency Waiver" set forth in Section 104(c)(1)(A) of CERCLA, 42 U.S.C. § 9604(C)(1)(A), up to a total removal action cost of $6 million, has been delegated to the Director of the Region III Hazardous Site Cleanup Division pursuant to EPA Delegation 14-2-A.

releases of hazardous substances, notably lead, from the 12th Street Landfill/Dump Site into the environment. These releases pose a threat to ecological receptors in the Brandywine Creek and a potential threat to human receptors. Based upon information obtained from the Removal Site Assessment and the ongoing Removal Action, continued CERCLA funding and exemption from the 12 Month and $2 Million Statutory Limits are necessary to remove contaminated creek sediment, stabilize eroding soil, cover contaminated soil areas, and perform other activities as described herein in response to the immediate threats posed by the Site. If additional contaminated areas identified during the Removal Action are not addressed, the effectiveness of the ongoing Removal Action and the efforts to protect human health and the environment will be minimized. Additional CERCLA funding in the amount of $550,000 is requested. This additional funding will raise the estimated Project Ceiling to $2,533,000, of which $ 2,293,000 are Extramural funds.

II. BACKGROUND AND SITE CONDITIONS

A. Site Description

The 12th Street Landfill/Dump Site (Site) consists of, among other things, an abandoned dump containing industrial materials. The Site is located immediately adjacent to the Brandywine Creek in Wilmington, Delaware, near the 12th Street ramp to I-495. The Site is situated on land bounded by an active railroad right-of-way, industrial activity, an interstate highway, and open land characterized by marsh vegetation. Access to the Site is somewhat difficult due to an area of dense marsh vegetation which acts as a natural impediment to easy access and the operations of a railroad and a business; however, evidence of human trespass onto the Site does exist. Currently, access to the Site is also limited by the activity of the Removal Action and its accompanying 24-hour security presence. The Site is located outside of downtown Wilmington, a populated area, but is presently situated in an area predominantly characterized by industrial use and undeveloped land.

The contaminated soil fill at the Site contains industrial debris such as drums, industrial hoses, resinous material, and other items. According to aerial photographs, the land now comprising the Site was used for placement of unknown materials during the operational history of an industrial hose manufacturing facility next to the dump site location. During the ongoing Removal Action, the area of the dump was found to be larger than the size originally anticipated after review of the aerial photographs and the results of the Removal Site Assessment. The dump and contaminated area extends onto land used by workers at a nearby business (not known at this time to be contributing to or exacerbating contamination at the Site) and undeveloped land owned by the State of Delaware.

The Site is located on an outside bend of the Brandywine Creek (Creek) where the erosional potential of the Creek water is greatest. Along the Site, the Creek has cut into the steep (near vertical) bank and the subsequent erosion has exposed drums, contaminated soil and debris. The vegetation on the bank is sparse and not suited to minimizing erosion of the bank material into the Creek. As such, ongoing erosion causes the migration of the contaminated materials into the Brandywine Creek. Erosion of the contaminated soil will continue to release hazardous substances unless the Removal Action is completed.

Presently, the Removal Action has resulted in the isolation of the contaminated bank from the Creek through the installation of temporary sheet pile. The contaminated bank is now being graded such that the contamination may be covered and erosion of the new surface will be minimized. Drums and debris in the shallow soils have been removed. During these construction activities, the OSC found that the area of contamination at the Site is larger than originally anticipated. If the additional area of contamination is not addressed in the Removal Action, the effectiveness of the ongoing action will be diminished.

B. Quantities and Types of Substances Present

EPA's sampling and analysis of surface soil, subsurface soil, bank, and debris (including resinous wastes and residues in the drums) at the Site confirms the presence of elevated concentrations of hazardous substances, most notably lead. Other hazardous substances identified at the Site include toluene, phenol, arsenic, barium, copper, chromium, and zinc. Toluene, phenol, arsenic, barium, copper, chromium, and zinc are hazardous substances within the meaning of CERCLA since they are listed as such in Section 302.4 of the NCP, 40 C.F.R. § 302.4. The substance 2-methylnapthalene was also detected at elevated concentrations in drum wastes sampled at the Site.

During the Removal Site Assessment, fourteen drums were found exposed or were uncovered during soil sampling activities. The Removal Site Assessment documents the presence of lead, toluene, zinc, and phenol in drum wastes at the Site and the migration of lead and zinc into soil near these drums. Arsenic, barium, copper, chromium, and zinc were also found in samples of soil from the Site. Lead was detected at the highest concentration in all sampled environmental media--206,000 mg/kg in the surface soil, 106,000 mg/kg in drum wastes, and 264,000 mg/kg in subsurface soil at the Site.

During the initial efforts of the Removal Action, the area of contaminated soil and debris and drum disposal was found to be much larger than anticipated during the Site Assessment. An additional area approximately 300 feet by 150 feet was found to contain more than 10 severely deteriorated drums, tens of cubic yards of industrial hoses, and contaminated soil. The elements arsenic (394 mg/kg), chromium (619 mg/kg), zinc (15,500 mg/kg), and lead (4020 mg/kg) were found to be elevated in the contaminated soil within the newly discovered area. These elements contribute to the threats posed by the Site. Additionally, a small segment of the Creek bank originally thought to be clean was found to contain industrial hoses and drum remains. These areas were previously covered by vegetation or equipment belonging to a nearby business and were not easily accessed.

The area of exposed contaminated soil and debris at the Site is irregularly shaped and now known to be approximately 750 feet long and 250 feet wide at its longest dimensions. The edges of the contaminated area are bounded by the Creek (west), paved industrial land (north), railroad tracks (east), and an area of marsh grass that contains no waste materials (south). Site soils contains drums and debris and are contaminated from the surface to a depth of approximately 10 feet. The volume of this contaminated soil is thus estimated to be approximately 44,000 cubic yards (using a 600 x 200 x 10 foot area to realistically calculate volume) which is more than twice the originally anticipated volume. The total number of drums and other contaminated items in this soil is unknown.

Many sediment samples from the tidal mudflat were found to contain elevated levels of lead, arsenic, copper, chromium, and zinc. Lead was detected at concentrations up to 19,500 mg/kg in the sediment of the Creek in the reach adjacent to the contaminated soil at the Site. EPA used a screening technology (XRF) to assess the concentration and distribution of lead in the soil and sediment at the Site. The tidal mudflat is about 20 feet wide. An estimated 300 linear feet of the mudflat sediment contains elevated levels of lead which require removal to protect ecological receptors. The depth of contaminated sediment is estimated to be 6 inches, resulting in an estimated volume of contaminated sediment of 111 cubic yards. About 650 feet of the Creek bank contains contaminated soil and debris.

The analytical results of EPA's Removal Assessment activities indicate that hazardous substances at the Site, i.e., lead, arsenic, and chromium, are presently migrating to the sediment of the Brandywine Creek.

C. National Priorities List Status

The 12th Street Landfill/Dump Site is not proposed for inclusion on the CERCLA National Priorities List. The OSC will forward analytical and other information to EPA Site Assessment personnel for further consideration. Removal actions at this Site will not impede any future remedial actions.

D. State and Local Authorities' Roles

The Site was brought to the attention of EPA by the Delaware Department of Natural Resources and Environmental Control (DNREC). DNREC has requested that EPA take the lead role at the Site. The Site, as presently understood, is located on property owned or controlled by three parties--the State of Delaware, the Wilmington Economic Development Corporation, and a private land owner (*see* attached Enforcement Confidential Addendum). The OSC continues to advise land owners of activities performed on their property.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

The OSC requested that the Agency for Toxic Substances and Disease Registry (ATSDR) assist with evaluation of the threats to human health posed by releases at and from the Site. Since the anticipated area of contamination was bounded by a fenced storage yard for a nearby business and marsh grasses which act as a natural impediment, ATSDR and the OSC concurred that direct contact threats posed by the Site to human health were not significant. Access to the Site is, however, unrestricted. During the Removal Action, the fence and much of the vegetation originally bounding the Site were removed and a large amount of equipment was moved from the fenced yard. These actions enabled the OSC to determine that contaminated soil and industrial debris were also located in areas not originally believed to be contaminated, including the yard of an active business. The contamination in these newly discovered areas poses a threat to human health since lead concentrations in the contaminated soil at the Site are found to be orders of magnitude higher than levels which EPA typically deems protective of human health in non-residential settings (2000 mg/kg).

Although portions of the Site may be accessible to trespassers for recreational purposes (*e.g.*, fishing), short-term potential exposures are not expected to result in significant threats posed by incidental ingestion of contaminated soil. A potential threat is posed to human receptors that may use the Site in the future for recreational or other purposes if access to the Site is modified or the soil cover is altered. The potential threat to humans is posed by incidental ingestion of contaminated soil in the future.

The OSC coordinated with the US Fish & Wildlife Service (FWS), National Oceanographic and Atmospheric Administration (NOAA), DNREC, and ATSDR representatives regarding potential threats posed to ecological receptors and then subsequently to human receptors through ingestion of aquatic organisms (*i.e.*, food chain). Site sampling and analytical results indicate that the environment and habitat of ecological receptors (Creek sediment) is impacted by hazardous substances at levels significantly higher than background levels and benchmark risk levels established by NOAA and EPA.

Promulgated Federal or State criteria for sediment contamination levels intended for the protection of aquatic organisms do not exist. To determine if threats are posed to ecological receptors, EPA and NOAA instead rely upon a comparison between site-specific contaminant levels and "screening guideline" levels developed from contaminant- and organism-specific toxicity testing. The "screening guideline" levels identify benchmark sediment contaminant levels at which toxicity testing has established a likelihood of adverse biological effects to exposed aquatic organisms. These guidelines, published by NOAA in the form of screening reference tables, indicate that sediment concentrations of lead above 91.3 mg/kg in freshwater sediment are likely to cause adverse biological effects to exposed aquatic organisms (NOAA Screening Quick Reference Table for Inorganics in Solids (Hazmat Report 99-1 (September 1999))). The concentration of lead in the sediment at the 12th Street Landfill/Dump Site is significantly higher than benchmark level by two orders of magnitude. Similarly, the concentration of chromium and arsenic in the sediment at the Site are higher than benchmark levels for these elements.

The continued erosion of the Creek bank exposes contaminated soil and wastes to the Creek environment. The contamination from the Site enters the water column during the tidal cycle and the sediment. Thus, NOAA and EPA consider that the sediment at the Site will pose an adverse biological risk to exposed ecological receptors such as fish, shellfish, and crustaceans. The FWS, NOAA, and DNREC agree that action is now necessary to minimize threats posed to ecological receptors.

Hazardous substances released at and from the Site may bioaccumulate in the food chain. Bioaccumulation poses a threat to migratory birds and potentially to human receptors ingesting aquatic organisms such as fish, shellfish, and/or crustaceans in the contaminated environment. However, the areal extent of contamination is sufficiently limited (*i.e.*, limited to the immediate area of the contaminated soil) to negate the current need for significant concern about the potential effects to humans through the food chain. Actions to prevent further contamination of the sediment will ensure that risks to the food chain posed by bioaccumulation are reduced.

The OSC is coordinating with the EPA Biological Technical Assistance Group, FWS, and DNREC to facilitate the identification of any endangered species that may be affected by Site conditions

or response work.

The OSC conducted bio-toxicity testing in order to determine the severity of the threat posed by the contamination at the Site. The results of the toxicity testing indicated that arsenic and chromium are present at levels which are toxic to the tested species (earthworms). The testing for lead was more ambiguous. Testing of the Creek water does not indicate that dissolved metal concentrations discharging from the Site pose a significant threat to the Creek. Thus, testing results to date indicate that a soil cover at the Site to prevent exposure to contaminants and erosion of contaminated soil into the Creek will mitigate the Site's threats. The soil cover does not need to be constructed of low permeability soil in order to ensure that threats posed to future ecological receptors are minimized.

Section 300.415 of the NCP, 40 C.F.R. § 300.415, identifies factors to be considered in determining the appropriateness of a removal action. Paragraphs (b) (2) (i), (iii), (v), and (vii) apply to the need for response at the 12th Street Landfill/Dump Site as follows.

§ 300.415 (b)(2)(i) "Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;"

The contamination which exists in the newly discovered areas is accessible to humans since it exists in a workplace and poses a threat to workers through incidental ingestion. Workers and other business related individuals operating in a storage yard at the north end of the Site can be exposed to contaminants existing in the soil which become airborne dust on dry days. The contaminated soil and debris are not suitably covered to prevent exposure to workers. The concentration of lead found in the contaminated soil at the Site is significantly higher than levels which EPA typically finds to be protective (2000 mg/kg). Lead is known to adversely affect the central nervous system. Exposure to lead may result in increased concentration of lead in the blood of exposed individuals and could effect the development of the central nervous system.

In the absence of cleanup activities, the Site poses a potential direct contact threat to human receptors which may trespass the Site in the future. Incidental ingestion of lead in the soil or sediment at the Site may result in increased blood lead levels. Lead is known to adversely affect the central nervous system. Exposure to toluene in exposed drum wastes may also result in effects to the central nervous system of trespassers.

The contaminated soil, including soil in the Creek bank, is prone to erosion and has migrated into the sediment of the Brandywine Creek. The contaminated Creek sediment is potential habitat for a variety of ecological receptors, such as fish, shellfish and crustaceans. The concentrations of hazardous substances in the sediment will result in adverse biological effects to exposed ecological receptors such as fish, shellfish, and crustaceans, based upon scientific studies considered by EPA and NOAA when developing the "Screening Guideline" levels discussed above. Lead may bioaccumulate in the exposed organisms which can result in lead poisoning and entrance into the food chain. The OSC has observed waterfowl (ducks) and fish which rely on the Site area for habitat and has also observed fishermen along the banks of the Site.

Exposure to lead and zinc by aquatic organisms may result in increased concentrations of lead in the blood of exposed organisms and may affect the growth, reproduction, and behavior or aquatic species. Lead may bioaccumulate in aquatic organisms posing a potential threat via the food chain to migratory birds and potentially to human receptors ingesting the aquatic organisms.

The contaminated soil in the newly discovered area will continue to pose a threat to the Brandywine Creek if not addressed in this Removal Action. Erosion of the contaminated soil will cause migration of contaminated soil particles into the Brandywine Creek.

§ 300.415 (b)(2)(iii) "Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;"

Resinous materials in the drums found buried and/or partially exposed at the Site have released into the environment. Analysis of drum remains has identified lead, toluene, phenol, and 2-methylnapthalene. Lead, a hazardous substance, is found at elevated concentrations in soils near such drums, indicating a release to the environment. Other organic substances in the drum wastes (*e.g.*, toluene) release to the air and pose a potential threat to trespassers via inhalation pathways as erosion continues to expose drums. Toluene, a hazardous substance, is mildly toxic by inhalation resulting in effects to the central nervous system of exposed individuals. Continued erosion of Site soil and degradation of exposed drums pose a continued threat of release of hazardous substances and 2-methylnapthalene.

§ 300.415(b)(2)(v) "Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;"

Rainfall events will exacerbate the release of hazardous substances from the Site into the Brandywine Creek. Rainfall will result in the migration of contaminated soil particles into the Creek through existing drainage channels and erosion pathways. Erosion of the soil from the Site will continue to expose drums and contaminated soil. Erosion of the contaminated soil found during the Removal Action may enter the Brandywine Creek after completion of Site activities unless addressed by the Removal Action.

In addition, dry conditions may cause the hazardous substances in the soil to become airborne. These hazardous substances may be ingested by workers and others on dry, windy days.

§ 300.415 (b)(2)(vii) "The availability of other appropriate federal or state response mechanisms to respond to the release;"

DNREC has requested that EPA conduct removal actions to ensure that actions are conducted in a timely manner.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions outlined in the Action Memorandum, may present an imminent and substantial endangerment to the public health, welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

During the course of the Removal Action, the area requiring a protective soil cover was found to be significantly larger than originally anticipated. Additionally, hazardous substances were found in the storage yard of an operating business. The hazardous substances at the Site pose a threat to human health and the environment and will continue to pose this threat until the Removal Action identified in the Action Memorandum and this Request for Additional Funds is completed. The Removal Action will require additional funding to enable the OSC to complete construction of a protective cover over the contaminated area. This additional funding will result in a total estimated project ceiling which is greater than $2 million. In addition, the increased amount of work will cause the project schedule to exceed the 12 month limitation on removal actions.

The Site meets the "emergency exemption" criteria set forth in Section 104(c)(1)(A) of CERCLA, 42 U.S.C. § 9604(c)(1)(A), for exceedance of the $2 million and 12 month statutory limits for Removal Actions as follows:

A. Section 104(c)(1)(A)(i) "Continued response actions are immediately required to prevent, limit, or mitigate an emergency."

The focus of the ongoing Removal Action has been to stabilize the erosion of contaminated soil into the Brandywine Creek, remove drums and contaminated debris, and to cover the contaminated soil to prevent future human exposure. Since the area of contamination is now known to (1) be much larger than expected, (2) be more accessible to the public, and (3) exist in areas not originally part of the Removal Action, additional response actions are immediately required to prevent human exposure to the contaminants and the migration of contamination to the Brandywine Creek. The concentration of hazardous substances at the Site poses a threat to the public health and the environment. Hazardous substances are exposed in the yard of an operating business, increasing the potential for exposure by humans. The proposed actions will eliminate the immediate threats by reducing the potential for exposure to hazardous substances in the storage yard and eliminating the migration of hazardous substances to the Creek. Without an exemption from the statutory limits, the Removal Action will not be completed and threats posed by the Site will not be meaningfully reduced.

B. Section 104(c)(1)(A)(ii) "There is an immediate risk to the public health or welfare or the environment."

The newly discovered contaminated area poses a threat to the Brandywine Creek and to the public. Elevated concentrations of hazardous substances found at the Site were found to be toxic to terrestrial organisms, above EPA's typical protective levels, exposed at the surface, and able to migrate.

Unless the Removal Action includes construction of a protective soil cover over the additional area of contamination, the Removal Action will not acceptably mitigate the threats posed by the Site. Since the storage yard is an active facility and contaminated soil and debris is located in the yard, the threats posed by the Site are immediate to the workers. The levels of lead found in the soil at the Site are above levels typically thought to be protective of exposed individuals in a non-residential setting.

C. Section 104(c)(1)(A)(iii) "Assistance will not otherwise be provided on a timely basis."

The State of Delaware's Department of Natural Resources and Environmental Control continues to request that EPA take the lead on response activities at the Site. The City of Wilmington has been unable to offer financial assistance. EPA continues to work to identify potentially responsible parties. EPA's assistance will be necessary to ensure that threats posed by the Site are mitigated in a timely manner.

VI. PROPOSED ACTIONS AND COSTS

The actions for which the additional funding is hereby requested are set forth in the Action Memorandum. No additional actions are currently proposed. The description of Proposed Actions and analyses regarding Contribution to Remedial Performance and Compliance with ARARs contained in the Action Memorandum are applicable to this Request for Additional Funds and will not be repeated here. The projected cost figures are as follows:

Estimated Costs

The proposed distribution of funding follows:

	Current Ceiling	Costs to Date	Proposed Ceiling
Extramural Costs			
ERRS	$ 1,623,000	705,338	$ 2,173,000
SATA	120,000	21,113	120,000
Total Extramural	1,743,000	726,451	2,293,000
Intramural Costs			
EPA Direct	$ 80,000	13,905	$ 80,000
EPA Indirect	160,000	29,664	160,000
Total Intramural	$ 240,000	43,569	$ 240,000
ESTIMATED PROJECT TOTAL	$ 1,983,000	770,020	$ 2,533,000

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If the actions described in the Action Memorandum are not completed, lead and other hazardous substances will pose a threat to workers and other human receptors in the vicinity of the Site. Additionally, hazardous substances and pollutants or contaminants will continue to be released into the environment as the Brandywine Creek bank continues to erode and sediment is exposed to water flow. This release will continue to pose a threat to the environment at the Site. Although the current impacted area is small, the area is expected to increase without intervention. Without actions to reduce the potential for direct contact with hazardous substances throughout the Site, potential threats posed to human receptors may increase as erosion continues to expose drum wastes.

VIII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues pertaining to the 12th Street Landfill/Dump Site.

IX. ENFORCEMENT STATUS

The OSC has provided the EPA Removal Enforcement Section with information available to pursue any and all enforcement actions pertaining to the 12th Street Landfill Site. See attached Confidential Enforcement Addendum.

X. RECOMMENDATION

Because conditions at the12th Street Landfill/Dump Site continue to meet the criteria for a Removal Action as set forth in Section 300.415 of the NCP, 40 C.F.R. § 300.415, and meet the statutory criteria set forth in section 104(c)(1)(A) of CERCLA, 42 U.S.C. § 9604(c)(1)(A), for an exemption from the 12 month and $2 million statutory limitations for Removal Actions, I recommend your approval of this Request for Additional Funds to allow for continued Removal activities to mitigate the immediate risk to the public caused by the Site. Your approval will establish an estimated Total Project Ceiling of $2,533,000, of which $2,293,000 are Extramural Costs. You may indicate your approval or disapproval by signing below.

Approved _____ Date 9/28/00

Disapproved _____ Date _____

ATTACHMENT: Confidential Enforcement Addendum